

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 17, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1423H
HiMark Estates CUP

PROPOSAL: This is a request to amend Special Permit 1423 to add 26 single-family attached units in the southern portion of Outlot "A," for a total of 585 dwelling units within the CUP.

LOCATION: South 90th Street and Old Cheney Road.

WAIVER REQUESTS: Intersection separation reduced from 120' to 90'.
Less than minimum lot area.
Side yard setback reduced from 5' to 0'.
Requirement for a preliminary plat.
Less than minimum width for major streets.

LAND AREA: 5.3 acres, more or less (actual area of amendment)
401.7 acres, more or less (HiMark CUP)

CONCLUSION: The addition of these units is consistent with the currently approved Community Unit Plan, Comprehensive Plan, and Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
Waivers:	
Intersection separation reduced from 120' to 90'.	Denial
Less than minimum lot area.	Approval
Side yard setback reduced from 5' to 0'.	Approval
Requirement for a preliminary plat.	Approval
Less than minimum width for major streets.	Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION:

All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1st Addition, HiMark Estates 2nd Addition, HiMark Estates 3rd Addition, HiMark Estates 4th Addition, HiMark Estates 5th Addition Corrected, HiMark Estates 6th

Addition, HiMark Estates 7th Addition, and Iron Gates Estates, all located in Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

The specific Lot to be amended is legally described as:

Lot 11, Block 4, HiMark Estates 1st Addition, located in the NW 1/4 of Section 11, T9N, R7E, City of Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential.

EXISTING LAND USE: Residential lots, private roadways, golf course and clubhouse, parking lot, and open space.

SURROUNDING LAND USE AND ZONING:

North:	R-3 Residential	Single-family residential and HiMark golf course
South:	R-3 Residential	Single-family residential
East:	R-3 Residential	Vacant and HiMark golf course
West:	R-3 Residential	Single-family residential and HiMark golf course

HISTORY:

Sep 2003	Special Permit #1423G was deferred by the Planning Commission from September 3, 2003 until September 17, 2003.
Aug 2003	Received Special Permits #1423G and #1423I to amend the CUP by adding additional single-family dwelling units, roadways, and outlots, and reduce the number of multiple-family dwelling units.
Feb 2003	Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.
Apr 2002	Special Permit #1423E approved. This amendment provided for setback adjustment to Lot 3, HiMark Estates 7 th Addition, and approved 539 dwelling units.
Aug 2001	Special Permit #1423C approved an increase in multiple-family dwelling units from 240 to 272. However, this permit was voided because the owner did not sign the Letter of Acceptance.
Jan 2001	Special Permit #1423D withdrawn.

- Nov 2000 Special Permit #1423D submitted. This was a request to rename a private roadway and install gates at its entrance. Based upon a prior grant of public access over the private roadway, the Applicant could not use the gates to exclude the public.
- Nov 1999 Special Permit #1423C submitted.
- Aug 1999 Administrative Final Plat #99025 approved. This renamed Lots 7-48, Block 2 HiMark Estates to Lots 1-24, and 26-39, Block 1 and Outlot A, HiMark Estates 2nd Addition.
- Aug 1999 Administrative Amendment #99054 to Special permit #1423A approved to add restrooms and an irrigation pump house to HiMark Golf Course.
- Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering this application from AG Agricultural to R-3 Residential.
- Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included 507 dwelling units and golf course.
- Apr 1998 Special Permit #1423A withdrawn.
- Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.
- Aug 1993 Administrative Amendment #93055 to Special Permit #1423 approved to increase the number of parking stalls.
- Mar 1993 Administrative Amendment #92075 to Special Permit #1423 approved to rearrange portions of the parking lot and provide signage.
- Apr 1992 Special Permit #1423 approved for a golf course.
- Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

Guiding Principles for New and Existing Neighborhoods

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. (F 69)
Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67, 69)

UTILITIES: Utilities are public. The 6" water main shown in Snyder Court should be extended to the existing 16' water main along Old Cheney Road.

TRAFFIC ANALYSIS:

The Comprehensive Plan identifies Old Cheney Road as a Rural Major Collector (County) at the present time, and a Minor Arterial in the future. (E49, F103) The Comprehensive Plan shows Old Cheney Road in this area should have 120' of right-of-way. (F 112) Currently, there is 100' of right-of-way, therefore, an additional 10' should be acquired with this project.

Collector Streets: These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristic of these streets. (F 105)

Minor Arterials: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

ANALYSIS:

1. This is a request to amend Special Permit 1423 to add 26 single-family attached units, for a total of 585 dwelling units. These lots must be platted prior to receiving building permits.
2. The total allowable density of this CUP is 1,418 dwelling units. At this point, the number of approved dwelling units is 539. Special Permit #1423G, which is currently pending before the Planning Commission, will increase the number of lots to 559. Since this application includes an increase in the number of approved dwelling units, as well as waivers, the City Council will have final action.
3. The Public Works & Utilities Department does not support waiving the Design Standard that requires 120' separation between street intersections. Sandhills Court is being shifted 10' north through Special Permit #1423G, which will reduce the separation between Snyder Court and Sandhills Court to 80'. The road alignments should be adjusted to match centerlines or such that the required 120' separation is provided.
4. The R-3 Residential zoning district requires 5,000 square feet of lot area per family for two-family dwellings. This requirement is also applied to single-family attached units.

Some of the lots included in this proposal cover only 4,800 square feet. However, these lots are surrounded by Outlot P, which provides additional open space between the non-common wall of adjacent units. While the individual lots have less than the minimum lot area, the average lot area including the open space exceeds the minimum lot area requirement.

In addition, Lots 7-48, Block 2 on the drawings were approved for duplex units under Special Permit #1423B with lot area of 4,500 square feet. These lots are also surrounded by an outlot, and all yard setbacks were waived through Special permit #1423F.

5. Each of these lots is surrounded by Outlot "P." It has been common practice in the past to treat the lot lines for lots that are surrounded by an outlot as building envelope lines. This practice recognizes the use of the outlot as the required yard for the lot, thereby reducing required setbacks within the lot to 0'.
6. The R-3 Residential zoning district requires side yard setbacks of 5' for non-common side yards, and 0' for common wall side yards. In this case, the applicant has asked to treat the open space provided in the outlot as the non-common wall side yard for the units. The outlot provides 10' of separation, which is the same as the required 5' setback for each unit.
7. The Planning Department supports the request to allow less than minimum lot area for Lots 13-20, Block 6 as this is consistent with common practice and with prior approvals within this community unit plan. The overall density is less than allowed by the Zoning Ordinance and Design Standards.
8. The Planning Department supports the request to waive the non-common wall side yard setback from 5' to 0' for Lots 1-26, Block 6 as this is consistent with common practice and with prior approvals within this community unit plan, and the separation of buildings will be the same.
9. The Planning Department does not oppose the request to waive the requirement for a preliminary plat, provided Applicant submits all information required with a preliminary plat as part of the special permit. The approved community unit plan may be used in lieu of the preliminary plat for the area of this amendment.
10. The Public Works & Utilities Department does not support the request for less than minimum right-of-way along a major street at this location. The Comprehensive Plan indicates Old Cheney Road should have 120' of right-of-way in this area. There currently exists 100' of right-of-way along this portion of Old Cheney Road. However, the Public Works & Utilities Department is conducting further review of the design and construction drawings, and may have additional information at the public hearing.

11. The 6" water main shown in Snyder Court should be extended to the existing 16' water main along Old Cheney Road.
12. Providing a cul-de-sac immediately east of the rear yards of existing single-family lots interferes with their privacy and will have an adverse affect of these lots, caused by car lights and noise. Snyder Court must be shortened, and lots should wrap around the west end of the cul-de-sac.
13. Lots 21-26 appear as double frontage lots, although technically they are not. Since neither Snyder Court nor Sawgrass Drive are major streets, the subdivision ordinance would prohibit double frontage lots in this instance. The Comprehensive Plan also indicates similar housing types should face each other: changes of use should occur at the rear of a lot. This layout should be revised.
14. The Subdivision Ordinance §26.23.140 (b) provides "the lot arrangement and design of the subdivision shall be such that all lots shall provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development." Locating a cul-de-sac at the rear of existing single-family homes and backing lots onto a local street, across from existing single-family homes fronting the local street are not in character with the surrounding development.
15. The Building and Safety Department Fire Prevention Division, and the Fire and Parks and Recreation Departments have not commented on this application. Their comments may revise the conditions of approval.
16. Lincoln Electric System revisions are required.

The Planning Department recommends the conditional approval of this application based on the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits 1 original and 4 copies of the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise Note 13 on the site plan to show 238 single-family and 585 total dwelling units.
 - 1.2 Revise the note on Lot 22, Block 4 to show 1423E rather than 1423C.
 - 1.3 Rename Outlot "P" with the next consecutive letter, which as Outlot "O." Revise Notes 12 and 19 on the site plan accordingly.
 - 1.4 Provide revisions required by the Building and Safety Department.
 - 1.5 Provide revisions required by the Parks and Recreation Department.
 - 1.6 Revise the alignment of Snyder Court to match centerlines with Sandhills Court or such that the required 120' separation is maintained.
 - 1.7 Show the revisions requested by the LES review. The revisions may be viewed at the Planning Department.
 - 1.8 Revise the drawings to show the dedication of an additional 10' of right-of-way along the north side of Old Cheney Road.
 - 1.9 Shorten the length of Snyder Court and provide lots around the west end of the cul-de-sac.
 - 1.10 Eliminate Note 27 as it no longer applies.
 - 1.11 Revise the alignment of Snyder Court to provide the required intersection separation and eliminate the appearance of double frontage lots, such as curving Snyder Court to the north to tee into Sawgrass Drive and redesigning the lots in this area.
 - 1.12 Add a note stating signage size and locations will comply with City requirements and be approved at the time of building permits.
2. This approval permits 585 dwelling units.
3. The waiver of minimum lot area for Lots 13-20, Block 6 is approved. These lots shall have a minimum area of 4,800 square feet.
4. The waiver of the non-common wall side yard setback for Lots 1-26, Block 6 is approved. These lots shall have a non-common wall side yard setback of 0', provided there is a minimum 10' separation between buildings..

5. The requirement that a preliminary plat be submitted is waived for the area of this application. The approved community unit plan shall serve the purpose of a preliminary plat for the area of this amendment. Final plats in this area may be approved based upon the approved community unit plan.
6. The waiver of the filing of a preliminary plat and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for a period of ten (10) years from the date of approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of approval, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

7. Before receiving building permits:
 - 7.1 Permittee must submit 1 original and 5 copies of the plans as approved.
 - 7.2 Final Plats must be approved by the City.
 - 7.3 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

8. The following conditions are applicable to all requests:
 - 8.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 8.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 8.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 8.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special

permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski
Planner

Date: August 22, 2003

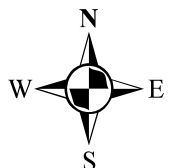
Applicant: Hampton Enterprises
Joe Hampton
1660 So. 70th Street, Suite 203
Lincoln, NE 68506
489.8858

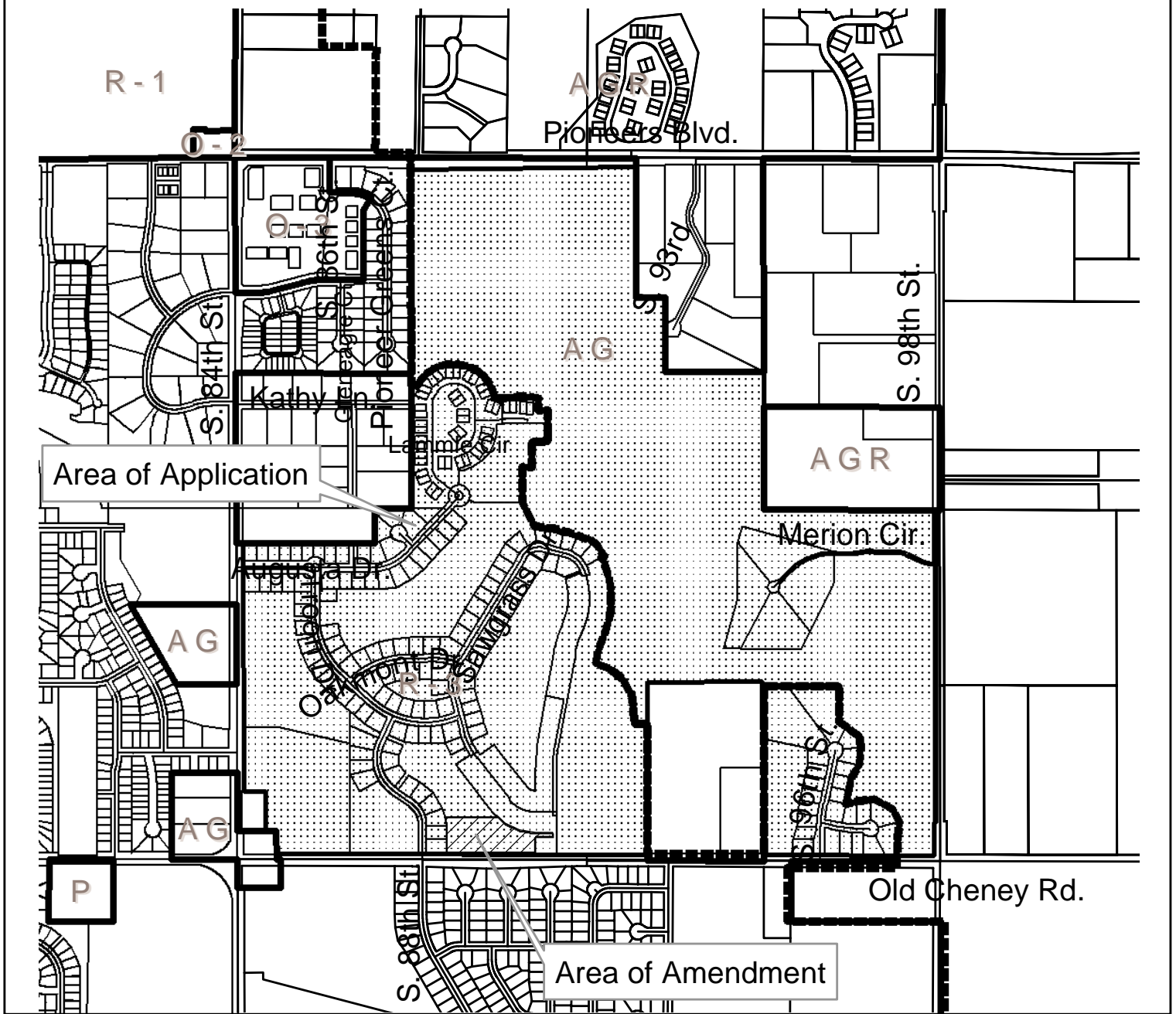
Owner: Jackie Snyder
c/o Joe Hampton
1660 So. 70th Street, Suite 203
Lincoln, NE 68506
489.8858

Contact: Olsson Associates
Mark Palmer
1111 Lincoln Mall
Lincoln, NE 68508
458.5632



Special Permit #1423H
S. 84th & Old Cheney Rd.
HiMark Estates CUP



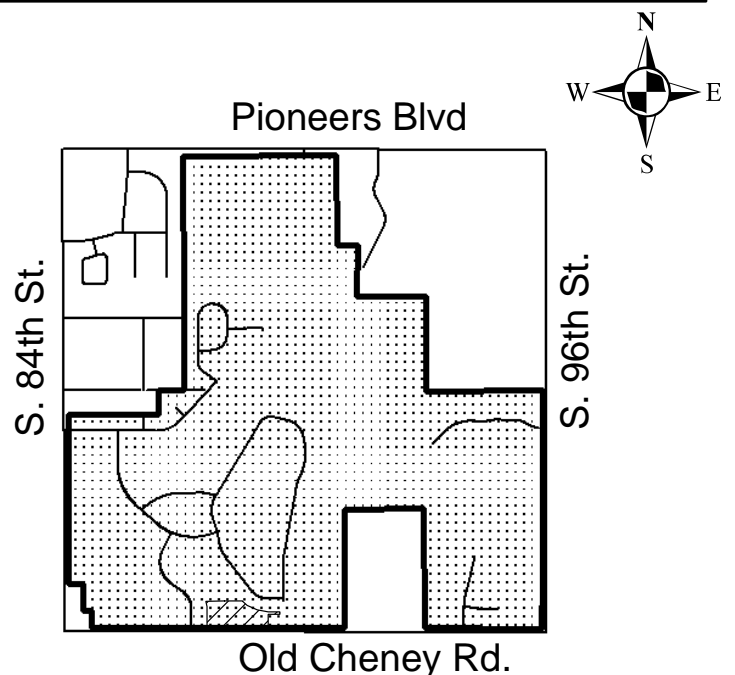
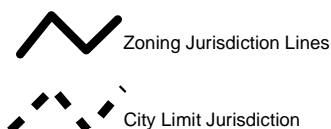


Special Permit #1423H **S. 84th & Old Cheney Rd.** **HiMark Estates CUP**

Zoning:

One Square Mile
 Sec. 11 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



HIMARK ESTATES



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AGREEMENT
TO THE
C.U.P.

SITE
PLAN

UNION
HIMARK
ESTATE

1. The purpose of this plan is to show the location of the proposed development in relation to the surrounding area. It is not intended to show the details of the development, which are shown in the accompanying plans.

2. The plan is based on the information provided by the applicant and is not intended to be a guarantee of the accuracy of the information.

3. The plan is subject to the approval of the relevant authorities and is not intended to be a guarantee of the accuracy of the information.

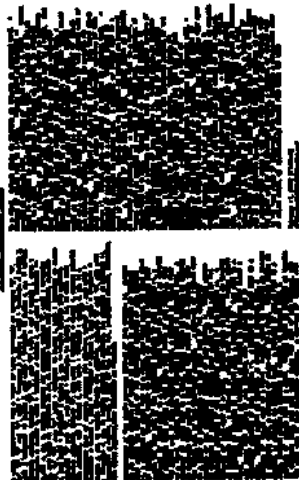


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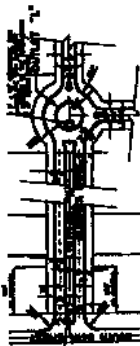
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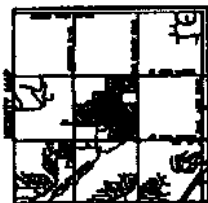
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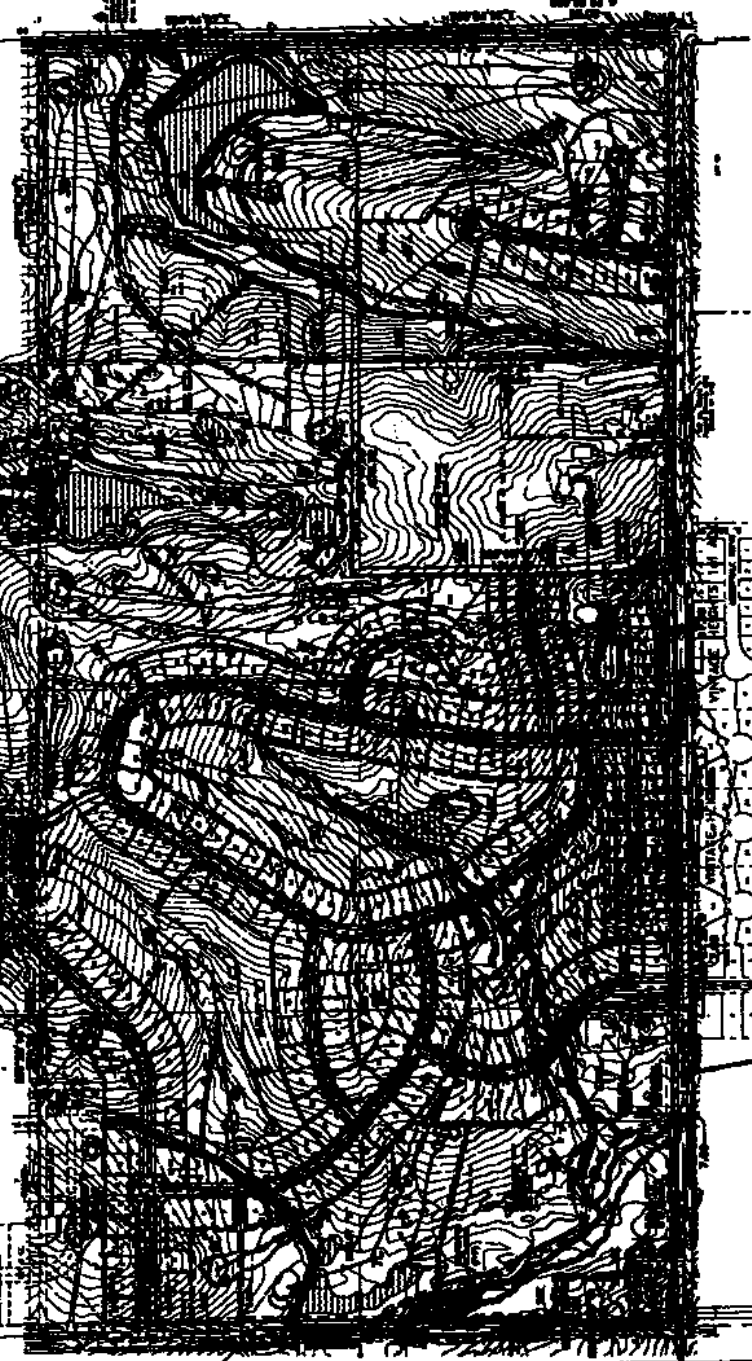
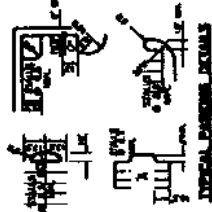
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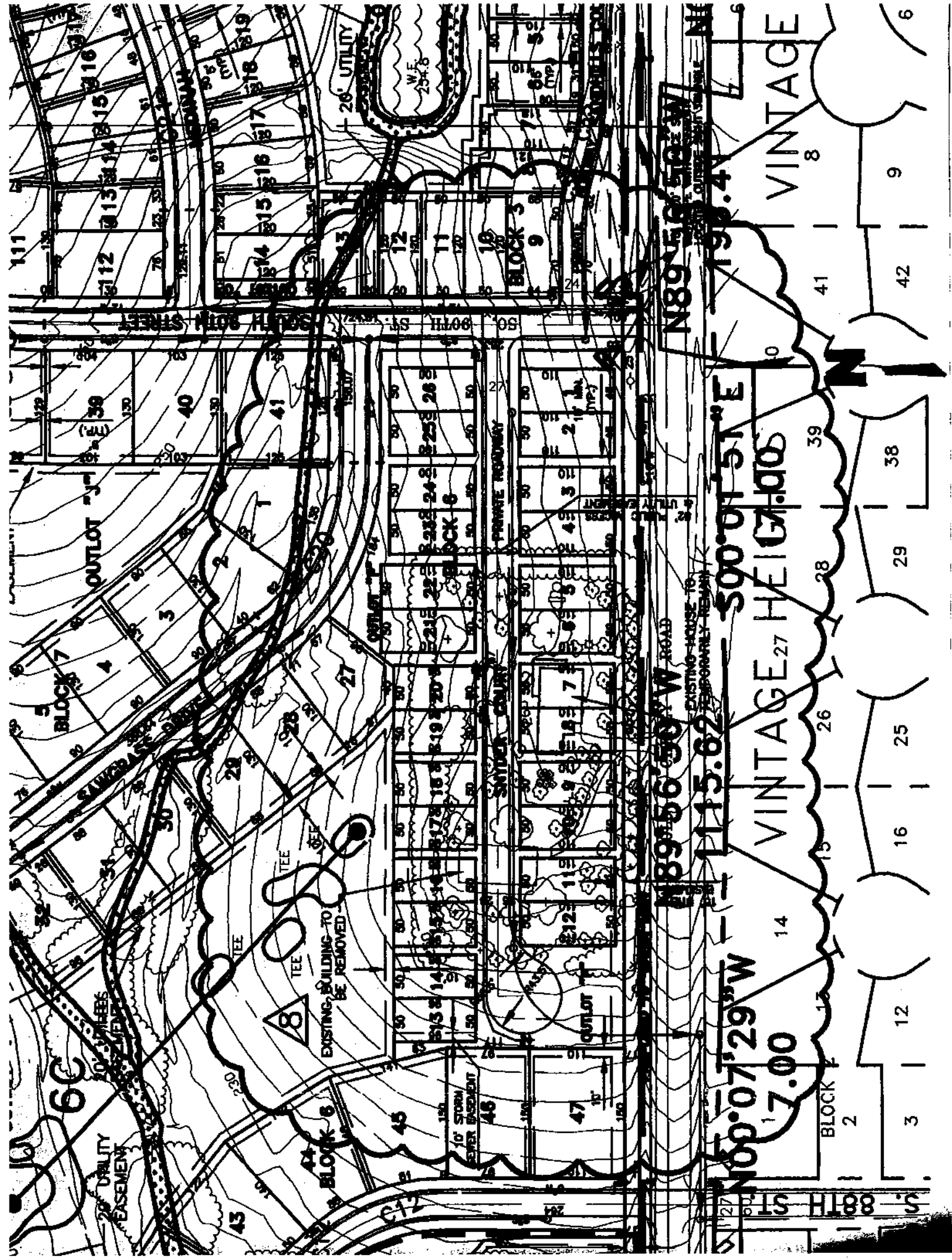
NO.	DESCRIPTION	AREA (SQ. M.)	PERCENTAGE
1	ROADS	10000	10.00
2	PLANTING	5000	5.00
3	LANDSCAPING	5000	5.00
4	UTILITIES	5000	5.00
5	OTHER	5000	5.00
6	TOTAL	100000	100.00

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OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

21 August 2003

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: HiMark Estates
Amendment to the Community Unit Plan #1423
OA Project No. 2003-0605

Dear Mr. Krout,

On behalf of the owner, Ms Jackie Snyder, we are requesting an Amendment to the Community Unit Plan to add 26 Single Family attached units in the area west of 90th Street, north of Old Cheney Road.

The Private roadway (Snyder Court) is over 120' from the centerline of Sawgrass Drive, however, it is within 120' of the proposed Sandhills Court (This amendment is currently under review). We are requesting a waiver to design standards from the required 120' intersection separation if the Sandhills Court Amendment is approved. The approximate roadway separation would be 90'. The justification for the waiver is that the traffic volumes on all roads are less than a standard subdivision due to the lower density of this golf course development. The two roads are close; however, both are cul-de-sacs with a limited number of lots to be accessed. Neither roadway provides circulation access to the subdivision.

We are requesting a waiver for the minimum lot sizing and internal side yard setbacks. A small number of lots are slightly less than the 5,000 SF required for R-3 Zoning. All lots are configured to provide the 5' side yard setback (10' building separation) in an outlot between the lots. The buildable area of the lot is therefore increased to be more than would be provided in a 5,000 SF lot with internal side yard setbacks.


Enclosed, please find the following documents:

1. Revised Site Plan, Sheet 1; 21 copies
2. Revised Grading & Drainage Plan, Sheet 2; 9 copies
3. Revised Profile Sheet, Sheet 5; 9 copies
4. Revised Landscape Plan, Sheet 8; 9 copies
5. City of Lincoln Zoning Application; "Community Unit Plan; Amendment"
6. Filing fee for "Community Unit Plan"; \$715.00
7. 8 1/2" x 11" Reduced Drawings of the Site Plan
8. Ownership Certificate

Mr. Marvin Krout
21 August 2003
Page 2

Please contact me if you have any questions or require any additional material.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Palmer', with a stylized flourish at the end.

Mark C. Palmer P.E.

cc: Jackie Snyder c/o Joe Hampton, Hampton Enterprises

F:\Projects\20030605\doc\Kraut-M.Letter8-20-03.doc



"Mark Palmer"
<MPalmer@oaconsulti
ng.com>

To: <GCzaplewski@ci.lincoln.ne.us>
cc:
Subject: HiMark Estates

09/03/2003 04:55 PM

Greg

On behalf of both Jackie Snyder (Snyder court amendment) and Dan Muhleisen (Sandhills Court amendment) I am requesting the following waivers:

1. The additional 10' of Right of Way requested by Public Works (to make 120' of right of way) be in the form of an easement for Right of Way.

Justification:

The developer would like to utilize this property for landscaping purposes to screen their development from Old Cheney Road.

2. That the requirement for the preliminary plat be waived.

Justification:

The amendment to the preliminary plat would be a redundant amendment. It would be a technicality that would create more paperwork for the planning staff and require additional review time. The CUP accounts for the same issues that the preliminary plat would cover.

Please call if you have any questions.

Mark

